

Suppressing Terrorism at the Expense of Human Rights Protection: Evaluation of Counter-Terrorism Operations in Cameroon

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Abstract

This paper documents the fight against terrorism in Cameroon and appraises the implications on human rights protection. It adopts a qualitative methodology based on doctrinal research. Terrorism is an age-old phenomenon which received global attention following the September 11, 2001, attacks in the United States that prompted the UN Security Council to adopt counter terrorism resolutions. Terrorist activities have spread across continents and countries, not least Cameroon. The Nigerian insurgent group, the Boko Haram, is spreading havoc in north Cameroon which is equal by the activities of separatist's armed groups operating in the Anglophone regions of the country. Cameroon has couched its fight against terrorism as a fight to uphold human rights. Nonetheless, some of the varied approaches it has employed to suppressing the scourge have rather undermined its obligations under international human rights law. Inasmuch as successes have been achieved on the ground, Cameroon's anti-terrorism responses are as brutal as they have encroached into the civic space engendering the rights and freedoms of the citizenry. To win the trust of the masses, and perhaps legitimize the militaristic anti-terrorism operations, the government should fine-tune its approaches in compliance with international standards.

Keywords: terrorism, Anglophone Cameroon, separatist armed groups, Boko Haram, human rights

1. Introduction

Terrorism is a highly disputed term which evokes a wide range of images, yet its definition is less certain (O Malik, 2001). According to Walter Laqueur "a comprehensive definition of terrorism...does not exist nor will it be found in the foreseeable future" (J P Gibbs, 1989). The popular phrase by Yasser Arafat, the erstwhile Chairman of the Palestine Liberation Organization, in a speech at the United Nations in 1974 that "one man's terrorist is another man's freedom fighter," encapsulates the complexity of the term (AM Loureiro, n.d.). The term 'terrorism' has also been widely used for political effect.¹ The absence of a unanimous definition has hampered efforts to counter terrorist threats as it has fostered other objectives.

Since the September 11, 2001, attacks in the United States, combating terrorism has taken an ever-expanding global dimension. Following threat to the country's sovereignty from the north by Boko Haram and in the Anglophone regions² by armed separatists' groups, Cameroon has embarked on anti-terrorism operations which have put the country on the spotlight. The violence by the insurgent groups prompted the promulgation of the anti-terrorism law of 2014.³

¹ Somewhat paradoxically, Menachem Begin, as the leader of the Irgun (Lehi's Zionist rival) in post-war Palestine, was the first to see the propaganda advantage in referring to his followers as "freedom fighters" rather than terrorists.

² These are the Northwest and the Southwest regions which were hitherto under British administration during colonialism.

³ Law N° 2014/028 of 23rd December 2014 on the Suppression of Acts of Terrorism.

Cameroon has sold its anti-terrorism war efforts as a fight to protect the human rights of the citizenry. The government's prosecution of the war has been relentless as all conceivable arsenal of state power has been employed including legislative, administrative, political, and military responses. The pacifist measures adopted, including dialogue and consultations, have been less controversial compared to the heavy-handed tactics of the military, which to a larger extent, have breed further violence and imperiled the security, liberties, and freedoms of the citizenry. International human rights law provides standards that state must conform to even in the situation of an emergency. This paper appraises the measures employed at suppressing acts of terrorism in Cameroon and their human rights implications. It opines that much is to be done if Cameroon is to be regarded as a human rights compliant state. The paper is divided into three sections. Section 1 unravels the emergence of terrorism in Cameroon and the country's anti-terrorism law. Section 2 explores the human rights obligations of states and section 3 appraises Cameroon's compliance with these obligations in its anti-terrorism war.

2. The Emergence of Terrorism in Cameroon and the Anti-Terrorism Law

Terrorism in Cameroon is associated with cross-border incursions into the territory by Boko Haram insurgents from Nigeria and the home-grown armed separatist rebels operating in the Anglophone regions. Prior to these recent trends, the country had experienced terrorism at the aftermath of independence in 1960 (D E Gardinier, 1978) which was successfully suppressed. The country is now engulfed in a new wave of terrorist violence from insurgents in the north and in the Anglophone regions.

2.1 The Boko Haram and Anglophone Armed Separatist Rebels

Recent trends in terrorism were initially witnessed in the north of Cameroon with the genocidal incursions of Boko Haram into the territory. Boko Haram is a militant sect based in Nigeria and driven by a radical Islamic ideology that sees western culture as a threat to Islamic teachings. It was founded by Mohammed Yusuf, a radical, young Islamist cleric, with the aim of establishing a fully Islamic State in Nigeria (E Foster-Bowser & A Sanders, 2012). The name 'Boko Haram', in the Hausa language, loosely translates as "Western education is evil" or "Western education is forbidden." It has also existed under other names, such as Nigerian Taliban and Yusufiyyah sect after the group's founder (GE Ezirin & FC Onuoha, 2013). Over the past several years, Boko Haram has been responsible for several violent attacks against the Nigerian state and the group has acquired global notoriety.

The presence of Boko Haram was first noticed in Cameroon in 2009 when members of the Islamic sect fleeing Nigerian security forces settled in the border areas between Cameroon and Nigeria, specifically in Fotocol, Mora, and Maroua and started recruiting people in the local settlements (JV Ehode, 2017). They have extended their genocidal atrocities across the borders into Cameroonian villages and cities, having exploited poverty, as well as a range of social cleavages, to recruit youngsters. The Cameroon government responded to the Boko Haram threat by seeking to mobilize the population behind a war effort, and behind the President of the Republic, who has framed the country's struggle as one of good versus evil. The President said: "The reality is simple. On one side, there are our forces, defenders of a modern and tolerant society which guarantees the exercise of human rights, including that of religion, as well as representative democracy. On the other side, namely Boko Haram and similar movements, there are partisans of an obscurantist and tyrannical society which has no consideration for human dignity."¹ Therefore, according to the authorities, the fight against terrorism in Cameroon is predicated on the protection of human rights.

In Anglophone Cameroon, an even greater threat to the country's sovereignty exists posed by armed separatist groups. The Anglophone crisis is as old as the state itself. Since its inception, Anglophones have felt marginalized in all domains, being the remote causes of the conflict. Politically, the state is dominated by a small fraction of Francophone elites who are bent on erasing the cultural and institutional foundations of Anglophone identity (N Kofele-Kale, 1986). Anglophones hold inferior positions in the national decision making process and are underrepresented in ministerial as well as senior and middle-ranking positions in the administration, the military, and parastatals (J Takougang & M Krieger, 1998). Despite being officially bilingual, without the knowledge of French it is impossible to pursue a good career in state administration because most administrative tasks are carried out in French (A Mbembe, 2001). Television programs originally made in English are shown in Cameroon only after they have been dubbed into French, and only in their French version. Broadcast time on Radio and Television is unevenly divided between English and French programs. These developments have created a consciousness among the Anglophone population who now feel recolonized and marginalized (J F

¹ Speech by President Paul Biya at the opening ceremony of the Extraordinary Summit of the Conference of Heads of State and Government of the Council for Peace and Security in Central Africa (COPAX), 16 February 2015. <https://www.prc.cm/en/news/speeches-of-the-president/1168-speech-by-h-e-paul-biya-president-of-the-republic-of-cameroon-at-the-opening-ceremony-of-the-extraordinary-summit-of-the-conference-of-heads-of-state-and-government-of-the-council-for-peace-and-security-in-central-africa-copax> (accessed 7 October 2022).

Bayart, 1993).

Strikes were organized by Anglophone civil society organizations who “believe that only a complete change of the administrative departments in the country and a federal constitution can end their woes” (Aljazeera, n.d.). The government’s heavy-handed response to peaceful protests in 2016 facilitated the rise of armed secessionist groups with the objective of restoring the independence of Anglophone Cameroon by creating a new state which they would name “Ambazonia”. Amongst these armed groups are the Ambazonia Defence Forces and the armed wing of the Ambazonia Governing Council. Prominent Anglophone leaders were arrested and detained under the country’s anti-terrorism law. Civilians have suffered most of the fatalities from both sides of the divide. In May 2018, the United Nations High Council for Refugees estimated that 21,000 people were seeking refuge in Nigeria and that an additional 160,000 were internally displaced (International Crisis Group, 2018). In the face of these challenges, the government have mostly relied on the 2014 anti-terrorism law.

2.2 Cameroon’s Anti-Terrorism Law

Law N° 2014/028 of 23rd December 2014 on the Suppression of Acts of Terrorism in Cameroon is the legislative response to the threat posed by terrorism in the country. Section 2 defines terrorism based on its material ingredients as an act “likely to cause death, endangers physical integrity, causes bodily injury or material damage, destroys natural resources, the environment or cultural heritage with the intend to: (a) intimidate the public, provoke a situation of terror or force the victim, the government and/or a national or international organization to carry out or refrain from carrying out an act; adopt or renounce a particular position; (b) disrupt the national functioning of public services, delivery of essential service to the public to create a crisis situation among the public; (c) create wide spread insurrection in the country...” Subsection (d) of the same provision provides the death penalty for anyone found guilty of the offence.

This definition has been criticized by human rights activists for being vague as an act of terrorism may extend to conducts having a political flavour. The definition presents an angelic perception of the state as the “good guy” that cannot be responsible for acts of terrorism. The law includes not only kidnapping with terrorist intent, financing terrorist, or recruiting for terrorist organization, but also “any activity which can lead to a general revolt of the population or disturb the general functioning of the country”, a broad perspective that could potentially lead to abuse and enable the authorities to silence critics and opponents (Amnesty International, 2015). This was the case after the October 2018 presidential elections when the leader of the main opposition party, Cameroon Renaissance Movement, Maurice Kamto, was arrested and charged with insurrection, sedition, terrorism, for inciting violence and disruption of public peace after his supporters organized anti-government protests (Africa News, 2019). The anti-terrorism law also allows for suspects to be held without charge for a period of 15 days, renewable indefinitely. It provides for the death sentence for all those guilty of carrying out, assisting or sponsoring acts of terrorism. The anti-terrorism law remains the main legislative instrument employed in the fight against terrorism in the country.

3. State Obligations Under International Human Rights Law

Human rights treaties are different from other treaties under international law that provide rights and benefits to contracting parties. Unlike other treaties, human rights treaties provide obligations to State Parties towards individuals on a non-discriminatory basis. Such obligations are often predicated towards the benefit of the individual as opposed to attributing rights and duties to the States Parties themselves. Some of these obligations apply irrespective of the circumstance. The obligations of the state towards human rights are tripartite in nature: to fulfill, respect and protect human rights.

3.1 A Tripartite Obligation to Fulfill, Respect and Protect Human Rights

A fundamental quality of human rights obligations is that they do not form part of the type of reciprocal obligations arising from a model based on the institution of contract. Human rights treaties do not establish reciprocal rights and obligations between the states parties, but recognize that individuals have rights with respect to the state and that states have obligations towards individuals (M J Añón, 2001). Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) pronounce the obligations of State Parties to the Covenant, which are to “... undertake(s) to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. The Human Rights Committee General Comment No. 31 notes that “every State Party has a legal interest in the performance by every other State Party of its obligations” as these are *erga omnes* obligations that require universal respect and observance of these norms. The regulated legal interest — human dignity — is a collective interest and its protection is the responsibility of the whole international community, which in turn has a legal interest in reacting to violations.

The three core human rights obligations assumed by States are the obligation to respect, to protect and to fulfill

(G Sánchez de Tagle, 2015; A Mc Beth, 2006). Failure to perform any of these three obligations constitutes a violation of such rights. The obligation to respect prohibits states from interfering with the enjoyment of human rights. The obligation to protect mandates states to prevent violations of human rights whereas the obligation to fulfill requires states to take appropriate measures towards the full realization of human rights. It is also true that one of the basic guarantees for the full effectiveness of social rights is the obligation of progressivity — whereby a right is achieved within a reasonable period and then gradually enhanced, prohibiting regression (M J Añón, 2001). Breach of these obligations may subject State Parties to accountability and even reparation for damage caused by the act. The state is also responsible for acts committed by private parties that violate human rights if the state has failed to anticipate the risk of violation by making investigations if necessary or making reparations and providing guarantees of non-repetition.¹

States therefore have a duty to protect persons within their jurisdiction from terrorism and this duty is entrenched within international systems.² The Human Rights Committee (HRC) in *Delgado Paez v. Colombia*³ stated with respect to article 9 of the ICCPR that “states parties are under an obligation to take reasonable and appropriate measures to protect them. An interpretation of article 9 which would allow a state party to ignore threats to the personal security of non-detained persons within its jurisdiction would render totally ineffective the guarantees of the Covenant.”

The jurisprudence of the Inter-American Court on Human Rights on the states duty to protect is significant. In *Velasquez Rodriguez v Honduras*⁴ the Court stated that governments have a duty to respond in the same manner to all serious violations, whether the perpetrator is an official, a non-state actor or a person whose status is not known. The Inter-American court defined the duty to prevent as inter alia including: “those means of a legal, political, administrative and cultural nature that promote the protection of human rights and ensure that any violations are considered and treated as illegal acts, which, as such, may lead to the punishment of those responsible and the obligation to indemnify the victims for damages of course, while the State is obligated to prevent human rights abuses, the existence of a particular violation does not, in itself, prove the failure to take preventive measures. On the other hand, subjecting a person to official, repressive bodies that practice torture and assassination with impunity is itself a breach of the duty to prevent violations of the rights to life and physical integrity of the person, even if that particular person is not tortured or assassinated, or if those facts cannot be proven in a concrete case”.⁵

The Inter-American Court on Human Rights in *Asencios Lindo et al*⁶ acknowledged the duty of States to provide security but warned that in doing so, the State should never derogate from its corresponding duty to protect human rights. It stated *inter alia*: “The states national and international obligation to confront individuals or groups who use violent methods to create terror among the populace, and to investigate, try, and punish those who commit such acts means that it must punish all the guilty, but only the guilty. The State must function within the rule of law...”

These demonstrate that the state is not only required to protect the well-being of its people, but also to ensure other privileges such as a democratic government, the maintenance of law and order and the protection of the fundamental human rights of all people (B Bekink, 2005) whether in peace time or in situations of crisis. The obligation of the state in countering terrorism must therefore reconcile the need to ensure security while also upholding the rule of law.

3.2 Derogations from Human Rights Obligations in National Emergencies

Under certain circumstances the state is permitted to derogate from its human rights obligations as states should not be compelled to uphold all rights in situations of emergency when this could cause their own demise (M Kunschak, 2006). Counter-terrorism measures have been justified as being necessary to effectively counter terrorism. Article 4 of the ICCPR, article 15 of the European Convention on Human Rights and article 27 of the American Convention on Human Rights provide for derogation in time of public emergency such as terrorism. The African Charter relies on claw-back clauses which permit states to derogate from human rights by reference to national law. The Human Rights Committee has consistently warned that any derogation made should conform to the requirements of the ICCPR and be in line with a state's human rights obligations. In its

¹ Añón (n2) 10.

² Article 9 of the ICCPR.

³ *Delgado Paez v. Colombia*, Case No. 195/1985, 12 July 1990.

⁴ Case No. 4, 28 ILM 291 (1989).

⁵ Paragraph 175 of Case No. 4, 28 ILM 291 (1989).

⁶ Report N 49/00, *Asencios Lindo et al.*, Annual Report of the IACHR 1999.

observations on the United Kingdom of Great Britain and Northern Ireland, it noted: “With concern that the State Party, in seeking inter alia to give effect to its obligations to combat terrorist activities pursuant to Resolution 1373 of the Security Council, is considering the adoption of legislative measures which may have potentially far-reaching effects on rights guaranteed in the Covenant, and which, in the State Party’s view, may require derogations from human rights obligations. The State Party should ensure that any measures it undertakes in this regard are in full compliance with the provisions of the Covenant, including, when applicable, the provisions on derogation contained in article 4 of the ICCPR.”

For derogation to be effective, a state should formally declare an emergency or serious situation, notify the other states parties of the content of the declaration, detailing the measures taken and explaining the reasons for taking the measures and providing full documentation of the legal provisions. The measures adopted should be proportionate to the objectives to be achieved. The African Commission on Human and Peoples Rights in *Media Rights Agenda and Constitutional Rights Projects v Nigeria*¹ noted that the reasons for possible limitations must be founded in a legitimate state interest and the evils of limitations of rights must be strictly proportionate with and absolutely necessary for the advantages which are to be obtained.

Article 4(2) of the ICCPR identified certain provisions of the Covenant that may not be subjected to derogations, giving them peremptory status. These include article 6 (right to life, with the exception of the death sentence); article 7 (prohibition against torture, cruel, inhuman or degrading treatment or punishment); article 8 (paragraphs I and 2 — prohibitions against slavery or servitude); article 11 (prohibition against imprisonment for civil contracts); article 15 (compliance with the principles of legality and the non-retrospectivity of the criminal law); article 16 (right to recognition before the law); and article 18 (provision against violations of freedom of thought, belief and religion). These rights should always be respected even during anti-terrorism operations.

Generally, given the impact of terrorism on human rights and security, there is no doubt that the suppression of terrorism is an important objective which can, in principle, permit the limitation of certain rights. However, to be justifiable, the imposition of limitation must satisfy various requirements.

4. To What Extent Has Cameroon Complied with Its Human Rights Obligations in the Fight Against Terrorism?

Seemingly, Cameroon has committed itself to ensuring that its fight against terrorism is conducted in full respect of human rights. The government has categorized the fight as one pitting good against evil and predicated on protecting the human rights of the citizenry. It has repeatedly dismissed criticisms of the conduct of its armed forces when they have been accused of behaving unlawfully. According to a senior government official “Cameroon has voluntarily ratified the UN Convention against Torture and is party to the Universal Declaration of Human Rights, as well as the African Charter. And it’s with the greatest respect to these legal provisions and human rights that our security forces conduct their operations on the front line. Regarding the respect of human rights by our security forces in their daily battle against terrorist activities, our hands are clean”.² However, the reality on the ground paints a different image.

4.1 Limited Compliance to Human Rights Obligations

Statistics reveal that Cameroon has complied with its human rights obligations to a limited extent. Despite the brutality that has characterized the conflict, semblance of accountability and due process rights have been observed. The defense forces of the state have severally handed captured terrorist suspects to the judicial authorities for interrogations and trial in compliance with the law.³ Among those arrested and brought to trial, 9 persons were convicted by the Ngaoundere Military Tribunal, 309 by the Maroua Military Tribunal, 4 by the Garoua Military Tribunal, 12 by the Bafoussam Military Tribunal, 7 by the Bamenda Military Tribunal, 55 by the Yaoundé Military Tribunal, and 207 by the Buea Military Tribunal.⁴

On February 14, 2020, the Ngarr-buh massacre took place in the northwest region where soldiers were suspected to have shot and killed 21 civilians (F Foute, 2020). The government initially blamed the massacre on

¹ Comm. No. 105/93, 128/94, 130/94, 152/96, (2000) AHRLR 200 para 67-70.

² Statement of the erstwhile Ministry of Communication, Mr Issa Tchiroma Bakary, on 13 March 2015 responding to allegations of torture and summary executions against Cameroonian security forces in the fight against Boko Haram. <http://www.cameroonvoice.com/news/article-news-18115.html>. (accessed 10 September 2022).

³ Sections 167-176 of the Cameroon Criminal Procedure Code.

⁴ Presentation by Dr. Colonel Magistrate Didier Sipa Ndongmo, Director of the Military Justice Department in Cameroon on International Law Day of International Relations Institute of Cameroon (IRIC) In Collaboration with the Department of Military of the Ministry of Defense (DJM/MINDEF) on the Theme: The Trial of Terrorism before the Military Justice: Stakes, challenges, and Perspectives, On Friday 12 March, 2021.

secessionists, but backtracked as evidence pointed at soldiers, who were arrested and charged to court (M E Kindzeka, 2020). Similarly, seven soldiers accused of killing women and children in the North region in 2015 were arrested and tried before the Yaoundé Military Court. The government had initially dismissed the horrific video footage showing victims being hooded and shot by soldiers as fake news (The Guardian Newspaper, 2018). Two soldiers were acquitted, four were convicted and imprisoned to 10 years, the fifth was sentenced to two years for filming and sharing the footage of the incidents (From 2013 to 2017, 313 soldiers were prosecuted before the courts for different offences (BBC News Online, 2022) 58 cases for false arrest, 32 for torture, 2 for rape, 1 for attempted rape, 10 for murder, 5 for capital murder, 4 for attempted capital murder, 5 for abuse of function, 65 for simple harm, 56 for slight harm, 26 for grievous harm, 8 for assault occasioning grievous harm, 1 for assault on civil servant, and 13 for different forms of assault). A total of 30 of them were convicted and sentenced to imprisonment and ordered to pay fine.¹ From 2013 to 2018, 118 Gendarmerie officers were prosecuted before the competent courts for various offences including acts of torture, threats to the physical integrity of persons or threats to life, and false arrest, of which 22 were convicted and sentenced to imprisonment terms and fines.²

Following the death of 25 suspected terrorists held in custody at the Gendarmerie Legion for Far North Region, Maroua, the Legion Commander was dismissed from office by Decree No. 2015/109 of 28 February 2015 and prosecuted before the Yaoundé Military Tribunal. Besides, 4 soldiers found guilty of the offence of *fautes contre l'honneur* were sanctioned on 15 November 2015 and the Commander of the Gendarmerie Brigade of Darak was dismissed from office and prosecuted before the Yaoundé Military Tribunal for breach of rules.³

A soldier appeared before the Bamenda Military Tribunal on 24 July 2018 following allegations of rape of a 17-year-old girl, breach of rules and possession of narcotic drugs. Statistics show that since the beginning of the crisis in the Anglophone regions up till December 2018, some 1,147 persons have been arrested by Defense and Security Forces of which 511 were prosecuted before military tribunals. In 2016, military tribunals received 9 matters as against 194 in 2017 and 308 in 2018. Meanwhile, 128 of the said matters were at the level of preliminary inquiry, 9 matters had been heard and determined, resulting to 9 persons convicted and sentenced to imprisonment terms ranging from 20 to 40 years. Nevertheless, 327 matters were pending hearing, 17 proceedings were discontinued, and 23 proceedings were closed.⁴

Cameroon also embarked on the human rights-based approaches of participation and consultation to resolving the terrorist threats. On several occasions, the government engaged dialogue to end the Anglophone crisis and other issues plaguing the nation. The former Prime Minister, Philemon Yang, and other government ministers held meetings with leaders of the Anglophone teacher's union and agreed on providing solutions to some of the issues raised by the teachers and lawyers.⁵ Following his appointment as Prime Minister, Chief Dr. Joseph Dion Ngute took maiden working visits to the regions and held talks with local leaders (C Loh, 2019; Nkeze, 2019).

A Grand National dialogue was convened from August 30 to September 4, 2019, to discuss ways of bringing lasting solutions to the crisis. Some of the measures adopted in compliance with the recommendations of the Major National Dialogue include the release of about 300 detainees in connection with the Anglophone crisis, the adoption of the bill on the General Code on Decentralization and Local Authorities in Parliament and its subsequent promulgation into law, the setting up of the National Commission for the Promotion of Bilingualism and Multiculturalism, the organization of elections of Regional Councilors, the creation of the National Advance School for Local Administration, NASLA, the creation of the Common Law Bench at the Supreme Court, the creation of the Common Law Section at the National School for Administration and Magistracy, ENAM, the fast tracking of the decentralization process with the replacement of Government Delegates by City Mayors with an elective mandate, the appointment and deployment of English speaking magistrates, the creation of the Ministry of Decentralization and Local Development, the Presidential Plan for the Reconstruction and Development of the Northwest and Southwest Regions, etc. These measures are aimed at implementing the recommendations of the Major National Dialogue to seek lasting solutions to the crisis in Anglophone Cameroon.⁶

¹ Single Report comprising the 4th, 5th and 6th Periodic Reports of Cameroon relating to the African Charter on Human and Peoples' Rights and 1st Reports relating to the Maputo Protocol and the Kampala Convention.

² Single Report comprising the 4th, 5th and 6th Periodic Reports of Cameroon.

³ Single Report comprising the 4th, 5th and 6th Periodic Reports of Cameroon.

⁴ Single Report comprising the 4th, 5th and 6th Periodic Reports of Cameroon.

⁵ K I Tala, K L Ngange, (eds), (2019). *Anglophone Lawyers and Teachers Strikes in Cameroon (2016-2017): A Multidimensional Perspective*, 271.

⁶ E Teke, (2020). Major National Dialogue: The recommendations taken over one year ago. CRTV Online, 29 September. <https://www.crtv.cm/2020/major/national/dialogue-the-recommendations-taken-one-year-ago>. (accessed 12 September 2022).

In 2019, Cameroon's parliament approved a bill granting "special status" to the two Anglophone regions that will give greater autonomy over local affairs and settle historical grievances. This will in turn pacify secessionist forces that will no longer have a reason to fight.¹ The bill will establish various indirectly elected organs with semi-administrative responsibilities and gives mayors additional powers regarding educational and medical institutions in their municipalities, but it does not change the underlying governance structure that has allowed Yaoundé to manage the affairs of local municipalities for decades.²

4.2 Non-Compliance with Human Rights Obligations

Cameroon is yet to derogate from its international human rights obligations in compliance with the provisions of the ICCPR. Thus, the government has the obligation to protect human rights in its anti-terrorism operations. Contrarily, the government's military response has been brutal as belligerent forces have been accused of indiscriminate killing of civilians, and the burning of houses, among others, which remain on the rise.

Human rights standards provide that persons deprived of their liberty should have access to their families, lawyers, medical professionals and other third parties.³ Although the right to communicate with the outside world might sometimes be reasonably restricted,⁴ denial of this right may amount to incommunicado detention, which violates the right to liberty and the right not to be subjected to torture or other ill treatment. Section 122 of the Cameroonian Criminal Procedure Code guarantees this right to access. International human rights standards articulate that people deprived of their liberty must be held only in a place of detention that is officially recognized.⁵

On numerous occasions, suspected terrorists have been detained and kept in solitary confinement in secret detention units. The Ambazonian leader, Julius Siseko Ayuk Tabe, and others were detained incommunicado in a secret unit despite criticisms and pressure from both human rights organizations. The erstwhile Minister of Communication and Government Spokesman, Issa Tchiroma Bakary said on the Voice of America (VOA) that "...Ambazonia leaders were alive and kicking, undergoing police interrogation" and he told "Daybreak Africa", a flagship program of VOA that "Cameroon does not bow to threats and will present the arrested leaders to the public at the appropriate time..." (P Mua, 2018). They were arrested in January 2018 in Nigeria⁶ and extradited to Cameroon⁷ and kept under solitary confinement for several months without access to anyone.

Despite the prohibitions against torture, degrading and inhumane treatment, security forces have been accused of these heinous conducts. In accordance with article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, a state party must "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." The Convention requires a state party to conduct a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction. Security forces have been blamed for several human rights atrocities by Human Rights Watch. On February 6, security forces, including soldiers, killed 10 men after storming the market in Bole Bakundu village, South-West region. On April 4, soldiers carried out a deadly attack on the North-West region village of Meluf, killing five civilian males, including one with a mental disability, and wounding one woman. The forces also forcibly entered at least 80

¹ R M Bone, K N Akem, (n.d.). African Arguments: Cameroon Grants 'Special Status' to its Restive Regions.

² African News, (2019). Cameroon Anglophone Regions Granted Special Status, 19 December. Cameroon's Anglophone regions granted special status | Africanews (accessed 10 October 2022).

³ Article 14(3)(b) of ICCPR; Standard Minimum Rules for the treatment of Prisoners, Rules 37 and 79 and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 19.

⁴ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173 of 9 December 1988, Principle 19, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>.

⁵ Human Rights Committee General Comment 2011, [www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a\)GeneralCommentNo20Prohibitionoftortureorothercruel, inhuman or degrading treatment or punishment \(article7\) \(1992\). aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo20Prohibitionoftortureorothercruel%20inhuman%20or%20degrading%20treatment%20or%20punishment%20(article7)%20(1992).aspx); Special Rapporteur on torture, UNDoc.E/CN.4/2003/68(2002) §26(e), http://repository.un.org/bitstream/handle/11176/241989/E_CN.4_2003_68-EN.pdf?sequence=3&isAllowed=y.

⁶ BBC News Online, (2018). Nigeria's DSS arrest Cameroon Separatist Leader, 8 January. Nigeria's DSS 'arrests Cameroon separatist leader' — BBC News (Accessed October 13, 2022).

⁷ Africanews, (2018). Cameroon receives separatist leader, 46 others departed from Nigeria, 29 January. Cameroon receives separatist leader, 46 others deported from Nigeria | Africanews (accessed 12 October 2022).

homes in Meluf, looted some, and burned down seven.¹

On May 15, soldiers attacked Mankon, Bamenda, in the North-West region, burning over 70 homes and killing a man. On July 10, soldiers killed two men in Mankon. On September 24, soldiers attacked a UNESCO World Heritage site, the Royal Palace in Bafut, shot and wounded one man, and looted the palace museum, taking several precious artifacts.²

During the year, there was widespread use of incommunicado detention and torture of people suspected of ties to armed separatist groups at the State Defense Secretariat (Secrétariat d'Etat à la défense, SED) prison in Yaoundé. Gendarmes and other security personnel at the SED used torture, including severe beatings and near-drowning, as well as other ill-treatment to force suspects to confess to crimes, or to humiliate and punish them. While the government maintained it did not tolerate crimes committed by security forces, it failed to demonstrate progress in investigating and punishing them.³

The Centre for Human Rights and Democracy in Africa has also documented abuses committed in the Anglophone regions by government forces. On 30 July 2018, five young men in the Bakweri town locality of Buea were massacred. Similarly, on 27 September 2018, the military killed seven unarmed civilians in a compound in Ikundi Street in Buea Town. In May 2020, defence forces raided upper Bonduma, Buea, Southwest region and massacred four unarmed men who were smoking cannabis. On 20 July 2020, the military invaded Bangem, and killed the youth leader of Presbyterian church in Bangem for ringing a church bell which to the military was aimed at alerting separatist to escape. On 20 July 2020, the military attacked the civilian population in Modelle village, Menchum Division, Northwest region in reprisal for the death of three soldiers killed by separatist fighters. They burnt down houses and shot three people and one Mr. Kuta Daniel was equally arrested and tortured to death. On 13 August 2020, security forces killed a 17 years old girl Bessem Blandine in Tiko and raided Mautu village on the outskirts of Ekona in Muyuka subdivision and shot to death seven unarmed civilians, including an old man and a pregnant woman. On 20 August 2020, soldiers invaded Ikiliwindi and killed two unarmed civilians for not running in the bushes like the other villages.⁴

On 25 August 2020, soldiers launched a raid in Belo, Boyo Division, burning down homes and looting property. This was intended to dismantle a separatist camp at a place called Aboh. Before they got there, separatist fighters had escaped. The soldiers moved to a place called Anyajua with over 15 trucks and burnt private homes, broke into shops, and collected goods. On 14 January 2018, between 3am and 7am, over 100 security forces, including soldiers from the regular Army and the BIR, entered the village of Kombone to conduct a security operation, following the killing of two gendarmes in the village two days earlier by young men suspected to belong to a group promoting armed struggle and secession.⁵ The security forces destroyed and looted private property, including houses and businesses, and beat people (Amnesty International, 2017). The following morning, on 15 January 2018, the security forces that carried out the operation in Kombone moved to the nearby village of Kwakwa, surrounded it and conducted a security operation which resulted in massive destruction of houses and property. Security forces set almost the entire village on fire.⁶

In addition to the brutality by the security forces, Cameroon's anti-terrorism law is an affront to the presumption of innocence. Human rights standard provides that detainees should be brought before the judge promptly,⁷ a provision which is undermined by section 11 of the anti-terrorism law which requires suspect to be remanded in

¹ Human Rights Watch, (2019). Cameroon: Events of 2019. World Report 2020: Cameroon | Human Rights Watch (hrw.org) (accessed 13 October 2022).

² Human Rights Watch (n2).

³ Human Rights Watch (n3).

⁴ CHRDA, (2020). Human Rights Violations Committed by the Military Between May and August in the North West (NWR) and South West (SWR) Regions of Cameroon, 31 August. <https://chrda.org/humanrights-violations-committed-by-the-military-between-may-and-august-2020-in-the-north-west-nwr-and-southwest-swr-regions-of-cameroon/>.

⁵ On 12 of February 2018, some 25 young men suspected of belonging to a separatist group walked to the Gendarmerie checkpoint of Kombone (manned by seven officers), pretending to have caught "a thief"; two gendarmes accompanied the youth to catch the alleged thief and, just a few metres from the checkpoint, were disarmed and shot.

⁶ E McAllister, (2018). We are in War. Cameroon unrest confronted by army offensive' Reuters, February 8. "We are in a war": Cameroon unrest confronted by army offensive (trust.org) (accessed 13 October 2022).

⁷ Article 9(3) of the ICCPR, Article 16(6) of the Migrant Workers Convention, Article 14(5) of the Arab Charter, Article 5(3) of the European Convention, Section M (3) of the principle of fair trial in Africa, Article 59(2) of the ICC Statutes, Article 7(5) of the American Convention.

custody without charge for 15 days renewable indefinitely eliminating a limit to the remand period. On June 5, 2017, hundreds of Anglophones detainees in the Kondengui Prison, Yaoundé, went on hunger strike requesting answers as to why they were held without charge despite repeated calls for their release. Since their arrest in 2017, they were in detention for over six months and counting without access to any family member and counsel (E Geoffrey, 2017).

The trial of civilians before military courts, a hallmark development ushered in by the anti-terrorism law in its section 12 is an affront to basic human rights standards which postulate that a detainee has the right to trial by a competent, independent and impartial tribunal established by law.¹ When a military court takes jurisdiction over matters that regular courts should hear, the individual right to fair hearing by a competent, independent and impartial tribunal is violated.²

Even the pacifist measures of dialogue and consultation organized by the government to resolving the Anglophone conflict are not without controversy. The Grand National Dialogue of 2019 convened by President Paul Biya disregarded the input of separatist leaders in Europe and America who are responsible for fueling the crisis. Worse still, separatist leaders in detention were never consulted or boycotted the dialogue (Africanews, 2019). Further, the dialogue did not focus on the real issues behind the crisis but on cosmetic solutions which left the separatist fighters more agitated. Lack of a more inclusive and participatory dialogue remains the reason for continuous escalation in the Anglophone regions after the national dialogue. These signify the absence of political will by the government to resolve the conflict.

5. Conclusion

The impact of terrorism has made combatting it a universal responsibility as nations formulate legislation and create institutions to that effect. Like other nations, Cameroon has employed a plethora of approaches, some of which are repressive and are inconsistent with its obligations under international human rights law. Human rights treaties provide obligations to State Parties towards individuals and some of these obligations apply even in situations of crisis, including civil wars and anti-terrorism operations. Cameroon is yet to derogate from its obligations in compliance with international law. Even where she avails herself of this option, peremptory norms are still to be observed as they are not subject to derogations. While limited progress has been achieved within the realm of accountability, consultation and negotiations, the war against terrorism in Cameroon has been characterized by human rights abuses by security forces including extra-judicial killings, abuse of due process rights, torture, and inhuman treatment of detainees, among others. The anti-terrorism law itself has undermined core human rights standards as it provides for indefinite detention of suspects and violates fair trial processes as it requires civilians to be tried before military courts. Cameroon should align its terrorism law with international human rights standards if it is to win the minds of the people and be recognized as a human rights compliant state.

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¹ Article 10 of the Universal Declaration, Article 14(1) of the ICCPR, Article 40(2)(b)(iii) of the Convention on the Rights of the Child, Article 18(1) of the Migrant Workers Convention, Articles 7(1) and 26 of the African Charter, Articles 8(1) and 27(2) of the American Convention, Articles 12 and 13 of the Arab Charter, Article 6(1) of the European Convention, Basic Principles on the Independence of the Judiciary, Section A(1) of the Principles on Fair Trial in Africa, Article XXVI of the American Declaration, Article 26 of the African Charter, Principles 6 and 7 of the Basic Principles on the Independence of the Judiciary; See Article 13 of the Arab Charter, Article 4 of the Arab Charter; See Article 27(2) of the Inter- American Convention.

² According to the African Commission the trial of journalist by military courts is a violation of Article 7(1) of the African Charter.

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